

PHILIP BEIDLE.

JANUARY 16, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BISHOP, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 8275.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 8275) to remove the charge of desertion standing against Philip Beidle, having considered the same, respectfully report the bill back to the House and recommend the passage of the same.

The facts as found by your committee, and upon which they rely for the clemency sought to be extended by the passage of this bill, are as follows:

The soldier enlisted September 30, 1861, in Company I, Ninth Pennsylvania Cavalry. He is reported on the rolls as sick in December, 1861, and later as deserted January 25, 1862. It appears, however, that he was in very poor health and in hospital in December, 1861, and January, 1862. He tried hard to maintain his place with his comrades, but finally went home with a fever sore on his leg as a result of his previous sickness without the formality of a discharge, although he claims that he supposed the certificate of disability given him by the surgeon in charge was equivalent to a discharge.

It is very apparent to your committee from the evidence submitted and sworn to by the officers and comrades of such soldier that he really had no intention to desert and was at the time he left the service wholly incapacitated from doing military duty. Having recovered his health he again enlisted August 4, 1862, in Company G, One hundred and twenty-sixth Pennsylvania Infantry, served faithfully the full term of his enlistment, and was honorably discharged therefrom, after having been promoted to the grade of corporal.

He again enlisted August 1, 1863, in Company B, Second Pennsylvania Heavy Artillery, and served faithfully until January 29, 1866, when he was again honorably discharged with the grade of corporal.

It seems to your committee that the record of this soldier, when taken as a whole, is very creditable to his patriotism and fidelity, and he should be awarded the relief for which he prays.

The report of the War Department and a part of the affidavits submitted to your committee are attached hereto and made a part of this report.

Case of Philip Beidle, late of Company I, Ninth Pennsylvania Cavalry Volunteers.

It is shown by the records that Philip Beidle was enrolled September 30, 1861, and mustered into service October 26, 1861, as a private in Company I, Ninth Regiment Loehiel Cavalry (also known as Company I, Ninth Pennsylvania Cavalry) Volunteers. He is reported on the muster rolls of the company covering the period from

the date of muster in to November 1, 1861, "On furlough until November 1 to Chambersburg;" on the roll dated December 31, 1861, he is reported "Sick at Camp Andy Johnson," and on the roll dated February 28, 1862, "Deserted while on march from Louisville, January 25, 1862." No record has been found showing that he returned to his company, although it remained in service until July 18, 1865.

He enlisted August 4, 1862, under the name Philip Beidel in Captain Miles's company (also known as Company G), One hundred and twenty-sixth Pennsylvania Infantry, in violation of the twenty-second (now fiftieth) article of war. He was mustered into service as a private in this company and regiment August 11, 1862, to serve nine months. He appears to have served faithfully until May 20, 1863, when he was mustered out with the company while holding the grade of corporal. His name is also borne on the rolls of the company as Phillip D. Beidle. It also appears that he enlisted August 1, 1863, under the name of Philip D. Beidel, and was mustered into service as a private in Company B, Second Pennsylvania Heavy Artillery Volunteers, August 8, 1863, to serve three years. He appears to have served faithfully in this company and regiment until January 29, 1866, when he was mustered out of the service while holding the grade of corporal.

Following is a synopsis of testimony submitted in support of an application for removal of the charge of desertion and for an honorable discharge as a member of Company I, Ninth Pennsylvania Infantry Volunteers:

Beidel testified February 27, 1883, that he never received his discharge from Company I, Ninth Pennsylvania Cavalry Volunteers, for the reason that he was permitted by his regimental surgeon and by the "sanitary committee" to remain at home until the date of his enlistment in the One hundred and sixth Pennsylvania Infantry Volunteers.

On March 14, 1896, he testified that in the early part of December, 1861, he contracted typhoid fever, and that the hospital accommodations of his command offering poor advantages he was taken to the house of a Mrs. Javens, at Jeffersonville, Ind., where he was attended by Dr. Field, of that town; that he thinks Dr. Field was a contract surgeon; that at the time his regiment went to the front, in January, 1862, he was "going around a little on a crutch and cane, still very weak and suffering from a fever sore on his left leg;" that on the day his regiment left Jeffersonville Dr. Field took him to his own house and the next day gave him "a sick-leave certificate," recommended him for discharge, and sent him to his parents' home at Chambersburg, Pa., where for some months he was an invalid, "though gradually convalescing;" that he had recovered his health by midsummer of 1862, and reenlisted in Company G, One hundred and twenty-sixth Regiment, Pennsylvania Infantry.

No record has been found showing that the soldier received medical treatment while a member of the Ninth Pennsylvania Cavalry Volunteers, or that a Dr. Field served as an acting assistant (contract) surgeon at Jeffersonville, Ind., in December, 1861, or January, 1862.

The application for removal of the charge of desertion and for an honorable discharge in the case has been denied, and now stands denied, on the ground that the period of the soldier's absence between the date of his desertion from Company I, Ninth Pennsylvania Cavalry Volunteers, and the date of his enlistment in Company G, One hundred and twenty-sixth Pennsylvania Infantry Volunteers, exceeded four months, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, May 21, 1896.

THE SECRETARY OF WAR.

STATE OF PENNSYLVANIA, *County of Dauphin, ss:*

In the matter of pension claim No. 192914, desertion, Company I, Ninth Pennsylvania Cavalry; Philip D. Beidel, Company G, One hundred and twenty-sixth Regiment Pennsylvania Volunteers, and Company B, Second Pennsylvania Veteran Artillery.

On this 11th day of January, A. D. 1897, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Philip D. Beidle, the claimant, aged 54 years, a resident of Steelton, in the county of Dauphin and State of Pennsylvania, whose post-office address is the same, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

The fact that he was not reported a deserter until the latter part of January, 1862, although lying sick with typhoid fever part of November, all of December, 1861, and

part of January, 1862, at a private residence in Jeffersonville, Ind., presupposes that his superior officers had full knowledge of the circumstances and sanctioned them, as his desertion was not reported until about or after the period of the departure of his regiment to the "front;" that the certificate of disability given him by Dr. Field was such as to have carried claimant to his home in Chambersburg, Pa.; that he fully intended after his recovery to return to his command, but as many of his friends at home were entering the One hundred and twenty-sixth Pennsylvania Volunteers about August 1, 1862, he was importuned by them to join the same, and to this end he showed the certificate of the said Dr. Field to Captain Elder, then a mustering officer at Chambersburg, and that he, the said Elder, told claimant that said certificate was equivalent to or as good as a discharge, assuring claimant that it was right for him to enlist in the One hundred and twenty-sixth Regiment Pennsylvania Volunteers (or rather in Company G, then forming, and which subsequently formed a company in the One hundred and twenty-sixth Pennsylvania Volunteers), of which the said Elder became colonel; that this opinion of the said Elder influenced him to act as he did, and that the offer of bounty had no bearing on his action whatever, and that his sole motive was devotion and loyalty and service in defense of the "Stars and Stripes;" that he thinks he received no bounty whatever in his first enlistment, and only \$50 for reenlistment in the One hundred and twenty-sixth Pennsylvania Volunteers; that he paid from his own private funds, in full, the services of Dr. Field and Mrs. Javens, who gave him shelter while sick; that he therefore earnestly renews his plea for the removal of the charge of desertion from the Ninth Regiment Pennsylvania Cavalry; that his subsequent honorable duty in the One hundred and twenty-sixth Regiment Pennsylvania Volunteers and Second Regiment Pennsylvania Heavy Artillery, aggregating a service of over three years, disproves any intent or motive as to wrongdoing; and he fervently begs that for the sake of his wife and children that the stigma of desertion from which he has already suffered punishment incommensurate with his error of omission rather than commission, be removed and an honorable discharge from the Ninth Pennsylvania Cavalry granted him; that he has orally, at his own home, this day and date above given, made the above statement to S. M. Whistler, of Bainbridge, Pa., who, in compliance with Order No. 229, has reduced the same to writing.

PHILIP D. BEIDEL.

STATE OF PENNSYLVANIA, *County of Dauphin*, ss:

Sworn to and subscribed before me this day by the above named affiant, and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

JOHN H. SNAVELY, *Notary Public*.

STATE OF PENNSYLVANIA, *County of Cumberland*, ss:

In the matter of desertion, Philip Beidel, Company I, Ninth Regiment Pennsylvania Cavalry, seeking for removal of said charge.

On this 25th day of April, A. D. 1896, personally appeared before me, a justice of the peace in and for the aforesaid county, duly authorized to administer oaths, Peter A. Mowers, aged 62 years, a resident of Cleversburg, in the county of Cumberland and State of Pennsylvania, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

I knew Philip Beidel twelve years prior to the late rebellion and were both in Company I, Ninth Pennsylvania Cavalry. I knew him to be sick before we left Camp Cameron for Louisville, Ky., in 1861. I was made chief bugler of the regiment. I had full knowledge of his sickness from typhoid fever, and owing to poor hospital accommodations at Jeffersonville, Ind., along the latter part of November or December, in 1861, at which time the said Beidel took very sick. I helped him to a house of a Mrs. Jarven, in Jeffersonville, where he was attended by Dr. O. M. Fields, a resident of said town. That in January following, my regiment, the Ninth Cavalry, was ordered to the front, at which time the said Beidel was hobbling around on a crutch and cane, then convalescent but too weak to accompany his command. I also know that soon thereafter he was sent to his home in Chambersburg, Pa., where I had heard of his reenlisting in the One hundred and twenty-sixth Pennsylvania Volunteers as Philip D. Beidel, which is his correct name, and I also know that Philip Beidel of the Ninth Pennsylvania Cavalry is the identical Philip D. Beidel of the One hundred and twenty-sixth Pennsylvania Volunteers and Second Pennsylvania Heavy Artillery. I believe also that the said Beidel is a man of honor, truth, and a gentleman of respect in every way, and having a good subsequent military

record, and should by all means be granted an honorable discharge from the Ninth Pennsylvania Cavalry.

This was written by Bert Mowers at Cleversburg, Pa., April 25, 1896, from my own oral statements, and did not recite same from any written or prepared statement.

My post-office address is Cleversburg, Cumberland County, Pa.

And further declares that he has no interest in said case and is not concerned in its prosecution.

PETER A. MOWERS.
D. K. MOWERS.

STATE OF PENNSYLVANIA, *County of Cumberland, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

BERT MOWERS, *Justice of the Peace.*

STATE OF PENNSYLVANIA, *County of Cumberland, ss:*

In the matter of desertion of Philip Beidel, Company I, Ninety-second Regiment (Ninth Pennsylvania Cavalry), seeking removal of said charge.

On this 30th day of April, A. D. 1896, personally appeared before me W. H. Longsdorf, aged 62 years, a resident of Carlisle, in the county of Cumberland and State of Pennsylvania, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case, as follows:

That he was first lieutenant of Company I, Ninth Pennsylvania Cavalry, at the time of the company being mustered into the United States service; that Philip D. Beidle was a member of said company; that said Beidle was sick when regiment was ordered from Camp Cameron, Pa., to Jeffersonville, Ind.; that he remained sick while regiment remained at Jeffersonville, not able to perform any duty, and when regiment was ordered to the front said Beidle was left at Jeffersonville, on account of his not being able to go with regiment; was left at private house, there being no hospital at Jeffersonville at that time; not having reported to company, was marked as a deserter; but knowing the man, as I have since the war, I have no reason for disbelieving his statement as to his action in the case.

His post-office address is Carlisle, Cumberland County, Pa.

He further declares that he has no interest in said case and is not concerned in its prosecution.

W. H. LONGSDORF, M. D.

STATE OF PENNSYLVANIA, *County of Cumberland, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including all the words erased, and all the words added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

J. P. BRINDLE, *Justice of the Peace.*